



Docket Number: 660005.98757

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michael C. Barney *et al.*  
Serial No.: 09/664,519  
Filing Date: September 18, 2000  
For: USE OF HOP ACIDS TO INHIBIT GROWTH OF  
STAPHYLOCOCCUS AUREUS AND PREVENT  
TOXIC SHOCK SYNDROME  
12/24/03 Examiner: Chih Min Kam  
CHK Group Art Unit: 1653

DECLARATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

1. I am the first named inventor for the above-identified patent application.
2. I read the comments in the Advisory Action of October 16, 2003 regarding U.S. Patent No. 5,082,975 to Todd *et al.* showing that "HHC [hexahydrocolupulone] at high concentration (50-200 ppm) inhibits the growth of certain lactobacilli." The Advisory Action concludes that "therefore, if the concentration of HHC is reduced to a lower concentration such as in the range of 0.2-25 ppm, the inhibition of the growth of lactobacilli would be lessened, which allows the growth of lactobacilli."
3. Without the benefit of the experiments that I or others working under my supervision conducted and that are reported in the above-identified patent application, it